

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

David M Levitas

Respondent

Civil Citation No.45575

6822 Pimlico Drive

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 17, 2009, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations 9BCZR) section 1B01.1D failure to eliminate open dump conditions, failure to cease running an illegal home occupation (warehouse & transporting auto materials); Baltimore County Code (BCC) section 13-7-310 failure to remove all trash and debris from property on residential property zoned DR 5.5 known as 6822 Pimlico Drive, 21209.

On June 3, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Ryan Fisher issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$9,000.00 (nine thousand dollars).

The following persons appeared for the Hearing and testified: The Respondent David Levitas and, Ryan Fisher, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. Correction Notices have been issued in 2003, 2004, 2006 and 2008 for open dump, illegal home occupation (warehousing and transporting auto parts), and junk trash and debris violations at this property. A Citation for similar violations was issued in 2004. This Citation was issued on June 3, 2009.

B. Inspector Ryan Fisher testified that this property is a recurring problem for code enforcement. He testified that in October 2008, he inspected the property and found junk and old auto parts e.g. tailpipes and brakes and fenders hidden under bushes. The junk was removed following issuance of a Correction Notice. Inspector Fisher testified that following another complaint, he inspected the property on May 20, 2009 and found car parts in the rear yard with a broken glass patio table. Re-inspection on June 3, 2009 found junk throughout the yard including old auto parts. Re-inspection the day before the Hearing found all auto parts and the broken table removed, and only a couple of bedframe parts remaining in the yard.

C. Respondent David Levitas testified that this is overblown and that the property is cleaned up. He testified that it won't happen again. He further testified that he does not repair cars and does not run a business from the property.

D. Photographs taken on June 3, 2009, the day the Citation was issued, show old auto parts, including pieces of tailpipe and a muffler, in two places in the yard. The inspector observed similar junk in the yard on May 20, 2009. There is no good reason for old auto parts to be stored outside on this residential property in open dump fashion. The civil penalty will be substantially reduced because the violations were corrected prior to this Hearing, but it will not be entirely rescinded because of the extensive history of similar violations. Respondent is further advised that any future similar violations will result in immediate Citation with possible civil penalty, in accordance with Departmental rules.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$100.00 (one hundred dollars).

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

ORDERED this 7th day of July 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.